

Kim D. Poole
Regulatory Manager
Federal Regulatory Relations

1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 383-6425

PACIFIC  **TELESIS**
Group - Washington

January 25, 1994

RECEIVED

JAN 25 1994

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

William F. Caton
Acting Secretary
Federal Communications Commission
Mail Stop 1170
1919 M Street, N.W., Room 222
Washington, D.C. 20554

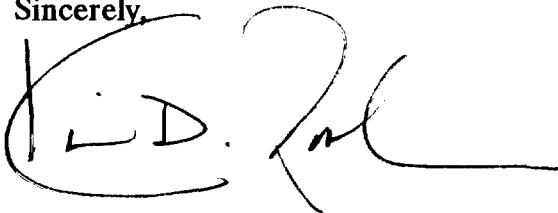
Dear Mr. Caton:

Re: ET Docket No. 93-62

On behalf of Pacific Bell and Nevada Bell, please find enclosed an original and six copies of their "*Comments*" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,



Enclosures

No. of Copies rec'd
List ABCDE

Orig + 5

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JAN 25 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Guidelines for Evaluating the)
Environmental Effects of)
Radiofrequency Radiation)
_____)

ET Docket No. 93-62

COMMENTS OF PACIFIC BELL AND NEVADA BELL

I. INTRODUCTION.

Pursuant to the Notice of Proposed Rulemaking in the above-captioned proceeding, Pacific Bell and Nevada Bell (the "Pacific Companies") file the following comments.

The NPRM proposes to use the new standard for radiofrequency ("RF") radiation recently adopted by the American National Standards Institute ("ANSI") in association with the Institute of Electrical and Electronic Engineers, Inc. in evaluating the effects of RF radiation for workers and the general public.¹ The Pacific Companies support the use of the new standard. However, as the Commission noted, adoption of the new standard poses some difficulties in implementation since the new standard contains some significant changes.

¹ In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Notice of Proposed Rulemaking, ET Docket No. 93-62, released April 8, 1993.

II. HAND-HELD RADIOS OPERATED BY UTILITIES UNDER PART 90
OPERATE IN A CONTROLLED ENVIRONMENT.

One of the changes is that instead of one set of exposure recommendations, the new standard has a separate set of exposure recommendations for "controlled environments" and a different set for "uncontrolled environments."² Pacific Bell is concerned about the possible definitions of these two environments as applied to our operations.

Pacific Bell, along with numerous other utilities, uses large numbers of portable hand-held radios in the operation of the business. Some of these radios have up to 5 watts of transmit input power (the radiated power is invariably less) and under the old rules were permitted to operate without further restrictions. The old rules, and the new rules for controlled environments, permit radios with less than 7 watts of radiated power to be categorically excluded from any other RF environment rules. In contrast, the new rules for uncontrolled environments restrict the radiated power to 1.4 watts to qualify for exclusion.

Since these hand-held radios are used exclusively by trained technicians, aware of the environment, Pacific Bell's operations should fall into the category of a "controlled" environment. However, the NPRM indicates that all hand-held radios will be considered to be used in an uncontrolled environment unless there is only exposure to users who are aware

² Id. at para. 12

of the potential for exposure.³ This would cause a hardship on Pacific Bell because many of these hand-held radios will become unusable under the new rules.

The NPRM also states that hand-held radios not meeting the 1.4 watt radiated power requirement (for an uncontrolled environment) may be evaluated by a laboratory to see if SAR requirements are met.⁴ This is impractical for Pacific Bell because most of our radios would have to be taken out of service while each of the dozens of radio types we use are evaluated in a laboratory.

Pacific Bell strongly recommends that utilities, such as Pacific Bell, that use TMRS and other hand-held radios under Part 90 of the rules be categorically exempted from the proposed rules for "uncontrolled" environment. The utilities should be permitted to operate hand-held radios under the "controlled" environment rules, i.e., 7 watts or less of radiated power.

The technicians who use our hand-held radios are aware of radiation concerns, generally operate the transmitters only intermittently and are seldom in a situation that exposes the general public. A relaxed requirement for these utilities seems appropriate not only because of the education and training of the operators but also especially in view of the recent findings of the National Institutes of Health that the radiation absorbed

³ Id. at para. 16 and n.16.

⁴ Id. at para. 16.

by the body is less than feared and only one fourth or one fifth the level considered safe by ANSI.⁵

V. CONCLUSION.

In conclusion, the Pacific Companies support use of the new ANSI guidelines and respectfully request the Commission to find that hand-held radios operated by utilities under Part 90 are operated in a controlled environment.

Respectfully submitted,

PACIFIC BELL
NEVADA BELL


JAMES P. TUTHILL
BETSY S. GRANGER

140 New Montgomery St., Rm. 1525
San Francisco, California 94105
(415) 542-7649

JAMES L. WURTZ

1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 383-6472

Their Attorneys

Date: January 25, 1994

⁵ Duston, Diane, "Study Finds No Radiation Hazard from Cellular Phones," AP, Dec. 14, 1993.